

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	1:15CR353-1
	:	
v.	:	
	:	
JOHN WAYNE VALEU	:	FACTUAL BASIS

NOW COMES the United States of America, by and through Ripley Rand, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Fed. R. Crim. P., states the following:

On February 2, 2015 and July 30, 2015, Durham Police Department Detective Penny Stewart successfully downloaded multiple files depicting child pornography from an IP address assigned to John Wayne VALEU at 905 Park Ridge Rd., Apt. A9, Durham, North Carolina 27713. The user distributed the material to Detective Stewart via the Ares peer-to-peer network. The internet service at the address was established in VALEU'S name on August 7, 2014.

On August 19, 2015, law enforcement officers, including Detective Stewart and Federal Bureau of Investigation Task Force Officer ("TFO") Christopher Chappell, executed a search warrant at the address. VALEU was found to be the only individual residing at the apartment. Pursuant to the search warrant, law

enforcement seized a desktop computer, laptop computer, and an external HD from VALEU'S apartment.

TFO Chappell forensically reviewed these electronic items and discovered that each contained multiple files depicting minors engaged in sexual acts and/or lasciviously displaying their genitalia. The earliest created-on date of such a file on the seized desktop computer was December 27, 2014 while the most recent created-on date was July 31, 2015. TFO Chappell observed that the desktop computer was used to make multiple keyword searches for videos on the Ares network using search terms commonly associated with child pornography content. Further, multiple video files recently viewed on the desktop computer had file names indicative of child pornography content.

This the 29<sup>th</sup> day of December, 2015.

Respectfully submitted,

RIPLEY RAND  
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2015, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Eric D. Placke, Assistant Federal Public Defender

/S/ ERIC L. IVERSON  
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